

FISCAL NOTE
SB 3015 - HB 2902

March 6, 2000

SUMMARY OF BILL: Enacts the *Student Protection Act of 2000* and provides for the following:

1. Requires the State Board of Education, in consultation with the Department of Human Services (DHS), to develop guidelines and policies to be used by local education agencies (LEAs) in addressing sexual harassment and sexual assault in schools and local boards shall adopt such policies. The policies shall provide procedures by which students *may* report, and teachers and administrators *shall* report, instances of student-to-student sexual assault or sexual harassment.
2. Such policies shall be reviewed every other year by the State Board of Education, Department of Human Services and the Joint Oversight Committee on Education.
3. Faculty and staff in school districts shall receive no less than 25 hours of training on how to recognize, prevent, and handle cases.
4. In cases of sexual assault, DHS must be notified immediately. Failure to notify the department shall result in termination of the administrator or staff member who fails to do so. Civil charges or criminal charges also may be filed in such cases.
5. Crisis counselors shall be provided in each LEA through DHS. The counselors shall be apportioned on the basis of one counselor for *either* each 20% of the total student enrollment *or* 20% of the total caseload, whichever is greater.
6. Each crisis counselor will be an employee of the state and will be supervised by DHS.
7. Funding shall be provided within the BEP (requires a state/local match).
8. Once a counselor reports a situation, DHS shall form an investigative committee to oversee any actions taken by the school district.
9. Requires DHS to investigate schools or school districts that may be withholding or failing to report information or allegations pertaining to sexual harassment or assault.
10. If sexual harassment or sexual assault is found to have occurred, both students shall be entitled to counseling. The student at fault shall receive at least 12 weeks of counseling.
11. If the student at fault is found to be a danger to remain in school, such student shall be suspended and placed in either an alternative school or receive home-bound instruction until it is suitable for that student to return to the regular school environment.
12. A student who has been abused or harassed has the right to be placed in a different school.
13. For the purpose of developing and promulgating rules and regulations and formulating a program, this bill shall take effect upon becoming a law. For all other purposes, including classroom implementation, this bill shall take effect January 1, 2001.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - Exceeds \$16,000,000

Increase Local Govt. Expenditures* - Exceeds \$5,000,000

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This estimate is based on the following:

- Crisis counselors would be new employees of DHS.
- The beginning salary and benefits of \$30,846 for a DHS Case Manager II was used to determine crisis counselors' salaries.
- Since the caseload could never exceed the total enrollment, total enrollment was the means of apportionment used to calculate the increase in expenditures. Assuming one counselor for each 20% of total enrollment, there will be 5 counselors per school system. Therefore, \$30,846 x 5 counselors x 138 school systems = \$21,283,740. The state share would be approximately \$15,963,000 and the local share would be approximately \$5,321,000.
- Assumes that the 25 hours of training applies to all faculty and staff and will be provided by DHS. Such increase in expenditures cannot be determined but is estimated to exceed \$100,000.
- Assumes an increase in expenditures to DHS to employ personnel to supervise the 690 crisis counselors. Such increase is estimated to exceed \$100,000.
- Assumes an increase in expenditures to DHS to do investigations when the department finds probable reason that a school may be withholding information. Such increase in expenditures to hire investigators is estimated to exceed \$100,000.
- Assumes an increase in local government expenditures to provide counseling with at least 12 weeks of counseling for the student found guilty of sexual harassment. Assumes an outside source will be required to provide counseling services at a cost of \$50 per hour, one hour per week for 12 weeks for the perpetrator. Cost will depend upon the number of students requiring counseling and the number of counseling sessions. Such cost is estimated to exceed \$100,000.
- Assumes an increase in local government expenditures to place such students in either an alternative school or provide home-bound instruction. Cost will depend upon the number of children receiving such home-bound instruction and the length of such instruction. Such increase is estimated to exceed \$100,000.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director